

Attorney's Docket No. 2537 (203-2755)

COMBINED DECLARATION AND POWER OF ATTORNEY(ORIGINAL, DESIGN, NATIONAL STAGE OR PCT, SUPPLEMENTAL,
DIVISIONAL, CONTINUATION OR CIP)NOV 04 2002
RECEIVED
PACIFIC MARK OFFICE

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: (check one applicable item below)

- ☒ original
☐ design
☐ supplemental

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application do not check next item; check appropriate one of last three items.

- ☐ national stage of PCT

NOTE: If one of the following 3 items apply then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR CIP.

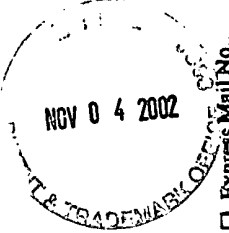
- ☐ divisional
☐ continuation
☐ continuation-in-part (CIP)

INVENTORSHIP IDENTIFICATION

WARNING: If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE OF INVENTIONAPPARATUS FOR THERMAL TREATMENT OF AN INTERVENTRICAL DISCR.F.
Arthur, 1 2002



SPECIFICATION IDENTIFICATION

the specification of which: *(complete (a), (b) or (c))*

(a) ☐ is attached hereto.

(b) ☒ was filed on December 18, 2000 as ☒ Serial No. 09/739,428 or ☐ Express Mail No. as Serial No. not yet known and was amended on *(if applicable)*.

NOTE:

Applicants must also enter the original paper on deposited with the PTO which contains their entire application as not recorded a filing date by being referred to in the declaration. Accordingly, the amendments entered on these filed with the application papers or, in the case of a supplemental declaration, on those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 C.F.R. 1.61

(c) ☐ was described and claimed in PCT International Application No. filed on and as amended under PCT Article 19 on *(if any)*.

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56.

- ☐ and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, and
- ☐ in compliance with this duty there is attached an information disclosure statement in accordance with 37 C.F.R. 1.98.

PRIORITY CLAIM (35 U.S.C. §119)(a)-(d)

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

(d) ☒ no such applications have been filed.

(e) ☐ such applications have been filed as follows.

NOTE: Where item (e) is entered above and the International Application which designated the U.S. itself claimed priority claim item (e), enter the details below under the priority claim.

Per [Signature] October 1, 2002

NOV

2002

**PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. §119(a)-(d)**

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)
(34 U.S.C. §119(e))**

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

PROVISIONAL APPLICATION NUMBER FILING DATE

60/171,822 December 21, 1999

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

NOTE: If the application filed more than 12 months from the filing date of this application is a PCT filing, indicating the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDITIONAL PAGES TO COLONIAL DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. §170.

POWER OF ATTORNEY

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

DAVID M. CARTER, Reg. No. 30,949; PETER DELUCA, Reg. No. 32,978; RAYMOND E. PARRELLA, Reg. No. 34,816; JOSEPH W. SCHMIDT, Reg. No. 36,920; JERRY S. STEIN, Reg. No. 37,063; RUSSELL H. KASSENER, Reg. No. 36,183; CHRISTOPHER G. TRAINOR, Reg. No. 39,517; GEORGE LIKOURIZOS, Reg. No. 40,067; EDWARD C. BRACCHER, Reg. No. 41,189; FRANCESCO SARDONE, Reg. No. 42,918; JUDY NAARAT, Reg. No. 39,311; LEE GROSSKREUTZ-HECHTEL, Reg. No. 48,900; and DANA A. BRUSKIL, Reg. No. 45,717, each of them of CARTER, DELUCA, PARRELLA & SCHMIDT, LLP, 465 Broad Harbor Road, Mahwah, New York 11727; and DAVID KORTA, Reg. No. 30,908; DOUGLAS E. DENNINGER, Reg. No. 31,752; PAUL B. ADDETT, Reg. No. 26,439; and MARK BARNER, Reg. No. 34,159, each of them of UNITED STATES SURGICAL, A DIVISION OF TYCO HEALTHCARE GROUP LP, 150 Glover Avenue, Norwalk, Connecticut 06856.

Re October 1 2002

DIRECT TELEPHONE CALLS TO:
(Name and telephone number)

(203) 845-4603

SEND CORRESPONDENCE TO:

Douglas E. Deuninger, Esq.
United States Surgical,
a Division of Tyco Healthcare Group LP
150 Glover Avenue
Norwalk, Connecticut 06856



DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

Full name of sole or first inventor: Philip Michael Finch
 Inventor's signature: [Signature]
 Date: 4 October 2002 Country of Citizenship Australia
 Residence: 18 Hardy Street
 Post Office Address: South Perth West Australia 6151
 Full name of second joint inventor, if any: Eric R. Cosman
 Inventor's signature: _____
 Date: _____ Country of Citizenship USA
 Residence: 872 Concord Avenue
 Post Office Address: Belmont, MA 02478

**CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING
ADDED PAGE(S) WHICH FORM A PART OF THIS DECLARATION**

- ☐ Signature for subsequent joint inventors.
Number of pages added ____
- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or
incapacitated inventor.
Number of pages added ____
- ☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under
37 C.F.R. §1.47.
Number of pages added ____ ***
- ☐ Added pages to combined declaration and power of attorney for divisional, continuation,
or continuation-in-part (CIP) application.
Number of pages added ____ ***
- ☐ Authorization of attorney(s) to accept and follow instructions from representative.

If no further pages form a part of this Declaration then end this Declaration with this page
and check the following item.

☒ This declaration ends with this page.

for October 1, 2002

49



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TITLE OF INVENTION

APPARATUS FOR THERMAL TREATMENT OF AN INTERVERTEBRAL DISC

SPECIFICATION IDENTIFICATION

the specification of which: *(complete (a), (b) or (c))*

- (a) ☐ is attached hereto.
- (b) ☒ was filed on December 18, 2000 as ☒ Serial No. 09/739,428 or ☐ Express Mail No., as Serial No. not yet known _____ and was amended on _____ *(if applicable)*.

NOTE: Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 C.F.R. 1.67.

- (c) ☐ was described and claimed in PCT International Application No. _____ filed on _____ and as amended under PCT Article 19 on _____ *(if any)*.

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AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. §119(a)-(d)**

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I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(List name and registration number)*

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Norwalk, Connecticut 06856

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Full name of **sole or first inventor**: Philip Michael Finch

Inventor's signature _____

Date _____ Country of Citizenship Australia

Residence 18 Hardy Street

Post Office Address South Perth West Australia 6151

Full name of **second joint inventor** if any Eric R. Cosman

Inventor's signature 

Date Sept. 30, 2002 Country of Citizenship USA

Residence 872 Concord Avenue

Post Office Address Belmont, MA 02478

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OFFICE OF PETITIONS

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Number of pages added ____.
- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor.
Number of pages added ____.
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